

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RYAN L. BLANKENSHIP,

Petitioner,

v.

WARDEN R. WERLINGER,

Respondent.

ORDER

12-cv-335-wmc

Petitioner Ryan L. Blankenship is a prisoner at the Federal Correctional Institution in Oxford, Wisconsin (FCI-Oxford). Petitioner seeks a writ of habeas corpus under 28 U.S.C. § 2241 to challenge the administration of his sentence by the Bureau of Prisons. Blankenship contends, in particular, that prison officials have failed to award sufficient credit for time served in jail following his arrest in other cases that were considered “relevant conduct” for purposes of the federal sentence imposed in *United States v. Blankenship*, No. 2:07-cr-20024 (C.D. Ill. Feb. 7, 2008). Arguing that the amount of time at issue has not been credited towards any other sentence, Blankenship maintains that he is entitled to a reduction in his federal term of imprisonment.

In accordance with Rule 4 of the Rules governing Section 2254 Cases in the United States District Courts, which is applicable to § 2241 cases through Rule 1(b), this court has examined the petition and determined dismissal prior to submission of an answer and the record is not warranted. Therefore,

IT IS ORDERED that

1. The clerk’s office will provide a copy of this order to the parties. For the sake of expediency, the clerk’s office will send a copy of the petition, dkt. 1, the supporting memorandum, dkt. 2, and this order to Warden Robert Werlinger, at FCI-Oxford, the local United States Attorney and the United States Attorney General by certified mail in accordance with Fed. R. Civ. P. 4(i).

2. Within 60 days from the date of service of the petition, respondent shall file an answer, motion or other responsive pleading and shall forward a copy to the petitioner. The answer, motion or other responsive pleading shall state the statutory authority for petitioner's detention in compliance with 28 U.S.C. § 2243. The answer, motion or responsive pleading must comply with Rule 5 of the Rules Governing Section 2254 Cases and must show cause, if any, why this writ should not issue. To the extent that records are necessary, the respondent need only supply the court with a copy of records that are relevant to the challenged disciplinary conviction.

3. Whether respondent files an answer, a motion or other response, petitioner may have 30 days from the date shown on the certificate of service in which to file a reply or traverse.

4. For the remainder of this lawsuit, petitioner must send respondent a copy of every paper or document that he files with the court. Once petitioner has learned what lawyer will be representing respondent, he should serve the lawyer directly rather than respondent. The court will disregard any documents submitted by petitioner unless petitioner shows on the court's copy that he has sent a copy to respondent or to respondent's attorney.

5. Petitioner should keep a copy of all documents for his own files. If petitioner does not have access to a photocopy machine, he may send out identical handwritten or typed copies of his documents.

Entered this 31st day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge